

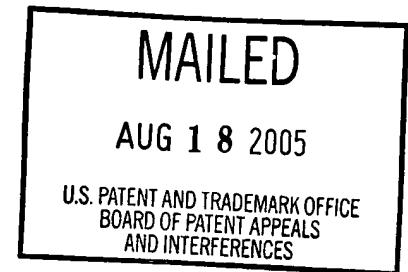
The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GARY A. SHANGOLD,
ARKADY RUBIN, and
DAVID UPMALIS

Appeal No. 2005-2366
Application 09/782,420



ORDER DISMISSING APPEAL

Before FLEMING, Chief Administrative Patent Judge,
HARKCOM, Vice Chief Administrative Patent Judge, and
WILLIAM F. SMITH, Administrative Patent Judge.

Per curiam.

On January 23, 2004, appellants filed a Notice of Appeal. On September 23, 2004, appellants filed a communication stating "a continuation application has been filed claiming the benefit under 35 U.S.C. § 120" and requesting withdrawal of the appeal.

Accordingly, it is

ORDERED that the appeal filed January 23, 2004, is dismissed.

Appeal No. 2005-2366
Application 09/782,420

The application is being returned to the examiner for further action as may be appropriate.

Michael R. Fleming
Michael R. Fleming, Chief
Administrative Patent Judge

Gary V. Harkcom
Gary V. Harkcom, Vice Chief
Administrative Patent Judge

William F. Smith
William F. Smith
Administrative Patent Judge

} BOARD OF PATENT
} APPEAL
} INTERFERENCES

Philip S. Johnson
Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003

dem